IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 35881 of 2007(V)

PETITIONER:

P.E.FRANCIS BABU,AGED 54 YEARS,
S/O. EASSY, DEPUTY DIRECTOR OF AGRICULTURE
(TRAINING), PRINCIPAL AGRICULTURE OFFICE,
WAYNANAD, KALPETTA.

BY ADV. SRI.A.V.THOMAS
SRI.JOJO GEORGE
SRI.NIDHI SAM JOHNS

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT,
AGRICULTURE DEPARTMENT,
SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF AGRICULTURE
AGRICULTURE DIRECTORATE,
THIRUVANANTHAPURAM.

3. DEPARTMENTAL PROMOTION COMMITTEE (HIGHER
FOR AGRICULTURAL DEPARTMENT,
REPRESENTED BY ITS CHAIRMAN,
THIRUVANANTHAPURAM.

4. K.M.MATHEW,
PRINCIPAL AGRICULTURAL OFFICER,
KANNUR.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.35881 of 2007 V

Dated this the 4th day of December, 2007.

JUDGMENT

Petitioner, presently working as the Deputy Director of Agriculture (Training) aspires for promotion to the post of Joint Director of Agriculture. He was considered by the Departmental Promotion Committee for the post of Joint Director. But the Departmental Promotion Committee decided not to include the petitioner in the select list for the sole reason that there is a disciplinary action pending against him. According to the petitioner, that premise itself was incorrect, inasmuch as there is no disciplinary action pending against him. Learned counsel for the petitioner Mr.A.V.Thomas submits that assuming that there is a disciplinary action pending, petitioner cannot be excluded merely for that reason, going by the Note to Rule 28(b)(i)(7) of Part II of the Kerala State and Subordinate

Services Rules. The objection in this regard was placed by the petitioner in Ext.P3.

After having heard the learned Government Pleader also, the writ petition is disposed of directing the 3rd respondent to consider the objections to Ext.P2 select list and take a decision thereon keeping in mind the Note to Rule 28(b)(i)(7) of Part II of Kerala State and Subordinate Services Rules, within two months from the date of receipt of a copy of this judgment.

Sd/-
(V.GIRI)
JUDGE

sk/

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P.S. To Judge